

# CHAPTER 1

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## RECORD OF DECISION



Horseshoe Canyon, Colorado River

# **COLORADO CANYONS NATIONAL CONSERVATION AREA RESOURCE MANAGEMENT PLAN**

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### **1.1 Summary**

The 122,300-acre Colorado Canyons National Conservation Area (CCNCA), located west of Grand Junction, Colorado, is a collage of natural wonders featuring rugged sandstone canyons, natural arches, spires, and alcoves carved into the Colorado Plateau, through which runs a 24-mile stretch of the Colorado River. Included in the CCNCA are 75,550 acres of wilderness designated as the Black Ridge Canyons Wilderness (BRCW) with 5,200 acres extending into eastern Utah at the CCNCA's western boundary

The CCNCA was officially designated on October 24, 2000, when the Colorado Canyons National Conservation Area and Black Ridge Canyons Wilderness Act of 2000 (the CCNCA Act) became Public Law 106-353. The act designating the CCNCA requires the Bureau of Land Management (BLM) to develop a comprehensive resource management plan (RMP) for the long-range protection and management of the CCNCA.

The CCNCA RMP incorporates the BLM core objective of multiple use, allowing for as wide a range of activity as possible, while protecting these spectacular resources for future use and enjoyment. This document also represents the collaboration and communication among local citizens; organizations; and local, state, and federal governments for over two years. A federally authorized advisory council was established to assist the BLM in developing and implementing the CCNCA RMP. The CCNCA Advisory Council comprises 10 members of the public representing various popular uses of the area. To further facilitate the planning process, working groups were formed based on four major geographic areas in the CCNCA – Mack Ridge, Rabbit Valley, the Colorado River Corridor, and the Wilderness. Each planning zone offers unique settings for recreation opportunities (see Figure 1-1).

The CCNCA offers a broad variety of resources and recreation opportunities resulting in users with diverse interests, including hiking, biking, float boating, off-highway vehicle (OHV) use, horseback riding, hunting, wildlife watching, backpacking, camping, and grazing resources; as well as world-renowned geological, paleontological and scientific sites.

The primary decision is to approve the CCNCA RMP. This Record of Decision (ROD) covers a variety of management actions that are considered to be implementation

decisions rather than land use planning decisions. Therefore, this decision has been separated into those actions which are land use planning decisions, which were protestable under the land use planning regulations (43 CFR 1610) and those actions which are implementation decisions, and are currently appealable under the Department of the Interior's appeal regulations (43 CFR 4).

## **1.2 Decision**

The primary decision is to approve the attached CCNCA RMP.

### **What the Decision Will Provide**

This ROD will provide overall direction for management of all resources on BLM-administered land in the planning area.

### **What the Decision Will Not Provide**

Many decisions are not appropriate at this level of planning and will not be included in this ROD. Examples of these types of decisions include:

- 1) *Statutory requirements.* The decision will not change the BLM's responsibility to comply with applicable laws and regulations including the Clean Air Act, Clean Water Act, Endangered Species Act, National Environmental Policy Act, Federal Land Policy and Management Act (FLPMA), or any other federal law.
- 2) *National Policy.* The decision will not change BLM's obligation to conform with current or future national policy.
- 3) *Funding levels and allocations.* These are determined annually at the national level and are beyond the control of the field office.

### **Land Use Plan Decisions (LUP)**

The decision is hereby made to approve the CCNCA RMP. This plan was prepared under the regulations implementing the FLPMA of 1976 (43 CFR Part 1600). An environmental impact statement was prepared for this RMP in compliance with the National Environmental Policy Act (NEPA) of 1969. The RMP is identical to the preferred Alternative 3 described in the Proposed CCNCA RMP and Final Environmental Impact Statement published in August 2004.

Land use plan decisions are identified in the attached RMP and include:

- 1) Goals, objectives, standards, and guidelines that define desired outcomes or future conditions.
- 2) Land use allocations.

### 3) Allowable uses and restrictions.

LUP decisions that will help achieve management goals and objectives, provide general management policy, describe desired future conditions and guide future actions.

A 30-day protest period was provided on the land use plan decisions contained in the *Proposed RMP/Final EIS* in accordance with 43 CFR Part 1610.5-2. No protests were received. This ROD serves as the final decision for the land use plan decisions described above and becomes effective on the date this ROD is signed. No further administrative remedies are available at this time for these land use plan decisions.

A decision is most likely a LUP decision if it guides future actions and subsequent decision-making and provides general management policy. LUP decisions are subject to protest to the BLM Director.

A decision is most likely an implementation decision if it represents BLM's final approval for a specific management action, activity, or use. These types of decisions require site-specific planning and NEPA analysis. Unlike LUP decisions, implementation decisions are not subject to protest under the planning regulations. Instead, implementation decisions are subject to various administrative remedies, primarily appeals to the Interior Board of Land Appeals (IBLA). Specific program regulations may describe other administrative review processes. In cases where implementation decisions are made as part of an RMP planning process, the implementation decisions are still subject to the appeals process or other administrative review as prescribed by program regulations since they are not part of the RMP and are not LUP decisions.

### **Continuity of Previous Decisions**

Within the attached RMP are a number of valid, existing decisions that were previously made in other land use plans, plan amendments, and project or activity level plans which will remain in effect and continue to be implemented. These do not represent new decisions that are subject to protest or appeal. Administrative relief opportunities were provided previously when those decisions were made. These previous decisions are denoted by *(PD)* in Section 2.1, *Management Decisions*.

### **Implementation Decisions**

It is the BLM's intent to implement, over time, a number of specific project level decisions described in the attached RMP, as funding and staff are available. These are called "implementation decisions" (as opposed to the land use planning decisions described above). Some decisions in the RMP will require the preparation of detailed, project-level NEPA analyses prior to implementation. Public involvement opportunities, including further protest or appeal opportunities, may be provided at that time. Other decisions have been addressed to a sufficient level of detail in the RMP/EIS process to be implemented over time without further NEPA. An appeal opportunity for these decisions is being provided at this time as described in the following section.

## **Appeal Procedures for Implementation Decisions**

Implementation decisions are not subject to protest under the planning regulations but are subject to various administrative remedies, primarily appeals to the Interior Board of Land Appeals (IBLA) under 43 CFR 4.411. An appeal is an opportunity for a qualified party to obtain a review of a BLM decision by an independent board of Administrative judges within the Department of the Interior's Office of Hearings and Appeals. The IBLA determines whether the BLM followed applicable laws and regulations, adhered to established policies and procedures and considered relevant information in reaching an implementation decision.

To appeal an implementation decision from this plan, a notice must be filed with the IBLA. The request to appeal a decision (i.e. Notice of Appeal) must be received by the Grand Junction Field Office of the BLM within 30 days of the publication of the decision in the Federal Register. The notice of appeal must include a serial number or other identification of the case and may also include statement of the reasons for the appeal. If the Notice of Appeal does not include a statement of reasons, the statement must be filed with the IBLA within 30 days after the Notice of Appeal was filed. The statement of reasons should be mailed to:

Board of Land Appeals  
Office of Hearings and Appeals  
801 North Quincy Street  
Arlington, VA 22203

Failure to file the statement of reasons within the time required will result in summary dismissal of the appeal.

Within 15 days after each document is filed, a copy of the notice of appeal must be served with the statement of reasons and any written arguments to:

Office of the Regional Solicitor  
Rocky Mountain Region  
U.S. Department of the Interior  
755 Parfet Street, Suite 151  
Lakewood, CO 80215

Service of the documents to the Solicitor must be accomplished through personal delivery, or by sending the document(s) by registered or certified mail, return receipt requested. Within 15 days of service of documents to the Solicitor, proof of that service must be provided to the IBLA at the address above.

## **Request for Stay**

To file a motion for stay pending the outcome of an appeal of these implementation decisions, sufficient justification must be shown based on the following standards under 43 CFR 4.21:

- 1) The relative harm to the parties if the stay is granted or denied.
- 2) The likelihood of the appellant's success on the merits.
- 3) The likelihood of immediate and irreparable harm if the stay is not granted.
- 4) Whether the public interest favors granting the stay.

As noted above, the motion for stay must be filed in the office of the authorized officer.

## **1.3 Alternatives**

### **Overview of the Alternatives**

The four alternatives represented four directions that management of the CCNCA could take and remain consistent with the management objectives identified through the scoping process. Each alternative summarized below emphasized a different approach to the management of the area and incorporated a unique set of objectives.

*Alternative 1—Continuation of Existing Management:* This "No-Action Alternative" would maintain current management of the area as guided by the Colorado Canyons National Conservation Area and Black Ridge Canyons Wilderness Act of 2000 (Public Law 106-353), the Ruby Canyon/Black Ridge Wilderness Integrated Management Plan (1998), the Grand Junction Resource Area Resource Management Plan, the Interim Management Policy for BLM National Monuments and National Conservation Areas, and the Colorado State Director's Guidance for the CCNCA. All actions associated with the Alternative 1 implement requirements of the above policy and guidance documents.

*Alternative 2—Recreation Emphasis:* This alternative emphasized maximizing multiple-use, recreation opportunities while conserving and protecting traditional uses and protecting natural resources to the maximum extent possible. Objectives of this alternative include preserving and enhancing traditional recreation activities such as hiking, camping, mountain biking, and backpacking, and maintaining current land health and improving priority areas of concern. Using a higher percentage of non-native species as necessary to stabilize soils is a possibility.

*Alternative 3—Adaptive Management:* As the BLM and CCNCA Advisory Council preferred alternative, this alternative's emphasis is on maintaining the current level of experience and enjoyment of the area's recreational opportunities and unique characteristics while recognizing that increased future use would trigger the need for



increased levels of management. Monitoring for land health and visitors' experiences would determine when adjustments to management would be required. Objectives for this alternative include preserving the character of the area and enhancing traditional recreation, while maintaining land health and improving priority areas of concern.

*Alternative 4—Conservation Emphasis:* This alternative emphasized maximizing the conservation of natural resources in the CCNCA while still maintaining traditional uses and recreational opportunities to the greatest extent possible. Objectives include improving land health in all areas of concern, preserving the character of the area, and expanding education and interpretation opportunities in all areas.

### **Environmental Preferability of the Alternatives**

Environmental preferability is judged using the criteria in the National Environmental Policy Act (NEPA) and subsequent guidance by the Council on Environmental Quality (CEQ, 1981). The CEQ has defined the environmentally preferable alternative as the alternative that will promote the national environmental policy as expressed in Section 101 of the NEPA. This section lists six broad policy goals for all federal plans, programs, and policies:

- 1) Fulfill the responsibilities of each generation as trustee of the environment for succeeding generations;
- 2) Assure for all Americans safe, healthful, productive, and aesthetically and culturally pleasing surroundings;
- 3) Attain the widest range of beneficial uses of the environment without degradation, risk to health or safety, or other undesirable and unintended consequences;
- 4) Preserve important historic, cultural, and natural aspects of our national heritage, and maintain, wherever possible, an environment which supports diversity and variety of individual choice;
- 5) Achieve a balance between population and resource use which will permit high standards of living and a wide sharing of life's amenities; and
- 6) Enhance the quality of renewable resources and approach the maximum attainable recycling of depletable resources.

Based on these criteria, identification of the most environmentally preferable alternative involves a balancing of current and potential resource uses with that of resource protection. None of the alternatives identified in the Draft RMP were determined to have the potential to result in significant adverse impacts or cause irretrievable damage to the resources. Resource management in Alternative 1 would not change from current policy. Alternative 2 offers the greatest potential for impacts to the human environment by providing for increased and enhanced recreational opportunities and user facilities. Alternative 4 would have the least potential for environmental impacts because it

proposes fewer surface-disturbing activities. Alternative 3 tends to provide a mix of impacts within the range of those found in Alternatives 2 and 4. However, none of the actions proposed in Alternatives 2, 3, or 4 would be considered significant in context or intensity. Taking no action would restrict and potentially prohibit the BLM from implementing management measures necessary for not only protecting the resource but also meeting the demands of increased recreation.

Alternative 3 would be less environmentally preferable than Alternative 4, but more preferable than Alternatives 1 or 2. This alternative would provide a balance between sustainable economic benefits and resource protection. Alternative 4 would be more protective than Alternatives 1, 2, or 3, but would allow fewer beneficial uses and cause a higher loss to the local economy than these three alternatives. Alternative 4 would reduce negative impacts from a variety of existing resource uses. Though it would be the least expensive alternative to implement, it would result in the highest economic loss to the local economy. Given the need to balance the six goals, the BLM finds that Alternative 3, the Adaptive Management Alternative, best meets the definition of the environmentally preferred alternative.

## **1.4 Management Considerations**

### **Rationale for the Decision**

Based on the input received during the planning process, there was both support and opposition to many components of the proposed plan. No formal comments were received from federal or state agencies, or tribal governments indicating the proposed plan was inconsistent with other existing plans or policies.

The BLM is tasked with the job of multiple use management, as mandated under the FLPMA and numerous other conflicting laws and regulations which govern the management of public lands. The proposed RMP (Alternative 3) provides a balance between those reasonable measures necessary to protect the existing resource values and the continued public need to make beneficial use of the planning area. Therefore, the implementation of the Proposed RMP is the alternative best able to comply with all applicable laws, regulations, policy, and agency direction.

## **1.5 Plan Monitoring**

The BLM planning regulations (43 CFR 1610.4-9) call for the monitoring of resource management plans on a continual basis with a formal evaluation done at periodic intervals. Implementation of the CCNCA RMP will be monitored over time. Management actions arising from activity plan decisions will be evaluated to ensure consistency with RMP objectives.

A monitoring and implementation plan will be developed for the CCNCA through a similar public collaboration process as was done for the RMP planning process.



## **1.6 Mitigation Measures**

### **Best Management Practices**

Best Management Practices (BMPs) are methods, measures, or practices to prevent or reduce impacts from management actions, especially surface-disturbing activities which could result in short-term negative impacts to soil, air and water quality. BMPs can include, but are not limited to, structural and nonstructural controls and operation and maintenance procedures. Usually BMP's are applied as a system of practices rather than a single practice. BMPs will be selected on the basis of site-specific conditions that reflect natural background conditions and political, social, economic, and technical feasibility.

### **Standard Operating Procedures**

Standard Operating Procedure (SOP) was developed for the CCNCA RMP and provides a framework for the accomplishment of administrative actions developed within the RMP. SOP incorporates the BLM core objective of multiple use, allowing for as wide a range of activity as possible while protecting the resources for future use and enjoyment. All SOP are based on existing laws, regulations, and BLM policy and guidance. The detailed SOP for the CCNCA is found in Appendix 2. The following issues are addressed in the SOP:

- Allowable Uses
- Coordination with other agencies, state and local governments, and Indian Tribes
- Air Quality
- Hazardous Materials
- Barrier-Free Access
- Land Acquisition
- Utility/Rights-of-Way (ROW), Exclusion and Avoidance, Unauthorized Use
- Vegetation Management
- Weed Management
- Wildlife
- Threatened, Endangered and Sensitive Species Habitat
- Soil and Water Resources
- Recreation
- Visual Resources
- Wilderness Resources
- Cultural Resources
- Paleontological Resources
- Cadastral Survey
- Site-Specific Project Plans
- Economic and Social Considerations
- Environmental Review

## **Public Involvement in the Planning Process**

The planning process for the RMP began on December 12, 2001, with publication of the Notice of Intent in the Federal Register. The BLM met with the public over 130 times in 18 months. This document represents collaboration and communication among local citizens; organizations; and local, state, and federal governments throughout the past two years. A federally-authorized advisory council was established to assist the BLM in developing and implementing the CCNCA PRMP. The CCNCA Advisory Council comprises 10 members of the public representing various popular uses of the area. The BLM worked extensively with citizen-based working groups that could effectively support the planning process. This planning program also included project newsletters, field trips, numerous presentations and media spots, publishing a project web site ([www.co.blm.gov/cocanplan](http://www.co.blm.gov/cocanplan)), issuing press releases, and holding public open houses in both Grand Junction and Fruita.

During this planning process, each working group identified specific planning issues for each of the four planning zones within the CCNCA. Management recommendations were then developed by those groups, reviewed by the BLM Interdisciplinary Team of resource experts, and presented to the advisory council for discussion and revision or approval. User groups in each of the four planning zones shared core concerns; namely those of educating and informing users, encouraging cooperation among a diverse recreating public, and adequately providing for multiple use while protecting the resource. This RMP incorporates extensive input from the public as well as the BLM core objective of multiple-use, allowing for as wide a range of activity as possible, while conserving the spectacular resources of the CCNCA for future use and enjoyment. A complete list of public collaboration efforts is detailed in Chapter 5 of the CCNCA RMP.

### **Analysis of the Management Situation**

A Management Situation Analysis (MSA) was prepared and a report prepared in late 2002, providing a thorough summary of existing resources and current management for those resource sectors of the planning area. The core sections of the MSA address resource area profiles and existing management situations.

### **Draft RMP/EIS**

The Draft RMP/EIS was released on October 17, 2003 and remained open for public comment until January 31, 2004. The BLM distributed a postcard notification and inquiry via first-class mail to approximately 450 contacts on the CCNCA mailing list, announcing the availability of the draft RMP/EIS in various media formats. The CCNCA mailing list includes federal, state, and local elected officials, federally recognized tribes, property owners in and near the CCNCA, individuals, special interest groups, and organizations. Availability of the draft RMP/EIS was also announced by publishing notices in local newspapers and the *Federal Register*, as well as on the project web site ([www.co.blm.gov/cocanplan](http://www.co.blm.gov/cocanplan)). The Citizen Advisory Council and working groups, composed of approximately 120 individuals, were notified by e-mail of the publication of the draft RMP/EIS.

The draft RMP/EIS was provided for public review by bound paper or CD-ROM format upon request, and posted for review or downloading on the project web site. Copies were also available for review at local community libraries.

Along with the monthly advisory council meetings which are open to the public, open houses were held in January 2004, during the 90-day public comment period.

The following table (Table 1-2) summarizes the comments submissions to the BLM. A total of 87 public comments were received by letter, fax and internet response. Most submissions contained more than one comment resulting in a total of 373 comments received on the CCNCA DRMP. Table 1-3 summarizes the major issues addressed in the public comments.

**Table 1-2**  
**Summary of Comment Submissions**

<b>TOTAL</b>	AGENCY SUBMISSIONS	7
	-National Park Service – Colorado National Monument	
	-US Fish and Wildlife Service	
	-City of Fruita	
	-Mesa County Land Trust	
<b>SUBMISSIONS</b>	-National Trust For Historic Preservation	
	-SO	
	-US Environmental Protection Agency	
	INTEREST GROUP SUBMISSIONS	6
	-CO Plateau Mountain Bike Assoc	
<b>87</b>	-International Mountain Bike Assoc	
	-Motorcycle Trail Riding Assoc	
	-Combined Environmental (CEC et al)	
	-Personal Watercraft Industry Assoc	
	-ConservAmerica	
	INDIVIDUAL SUBMISSIONS (Unique)	28
	-Alternative 1	1
	-Alternative 2	2
	-Alternative 3	9
	-Alternative 4	8
-Misc	10	
	ACTION ALERT-BASED SUBMISSIONS (all in favor of Alternative 4)	46
	-Minimal to no variation	36
	-Some variation	10

**COLORADO CANYONS NATIONAL CONSERVATION AREA**  
Resource Management Plan and Record of Decision

<b>Table 1-3 Public Comment Issue Summary</b>			
MAJOR ISSUE	SUB-ISSUE		TOTAL
River management			57
	*Ban jet skis and >5 hp motors	39	
	Miscellaneous	18	
Livestock Grazing			115
	(From 41 form letter points to make)		
	*Do not reallocate relinquished/canceled permits	32	
	*Prohibit grazing in tributaries	20	
	* 2 yr. Land Health Assessment	23	
	*Sheep grazing (all oppose; form letter)	35	
	From non-form letters - miscellaneous	5	
Trails			38
	*Oppose trails w/o Site-Specific analysis	38	
Travel Management			108
	*Close Access w/n 2 mi to Rattlesnake Arches	31	
	Gating in Mack Ridge	10	
	Mountain Bike	19	
	Equestrian	7	
	Other	20	
	All trails	9	
	OHV	12	
Public Education			2
Urban Interface			3
Cultural/Paleo Resources			4
Natural Resource Protection			34
	Wilderness protection	13	
	Resource improvement	1	
	Wildlife issues	7	
	Misc	13	
More info on maps			3
Target Shooting			5
Segregation of uses			4
Events/ Use/Permits			12
Facility Improvement			6
Camping			7
TOTAL COMMENTS			373
*Asterisked comments derived from 46 "form letter" submissions			

**COLORADO CANYONS NATIONAL CONSERVATION AREA**  
Resource Management Plan and Record of Decision